

Evan Ditmars

From: Cove Britton <cove@matsonbritton.com>
Sent: Thursday, November 17, 2022 2:15 PM
To: Evan Ditmars; Jocelyn Drake
Subject: 043-081-13 ZA hearing
Attachments: kozArchPElettersZA.pdf

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi Evan and Jocelyn-

Please find letters attached from myself and from Richard Irish regarding 043-081-13 hearing tomorrow.

Please include for the record.

--

Cove Britton
Matson Britton Architects

O. (831) 425-0544

November 17, 2022

Evan Ditmars
County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060



Subject Proposed Pin Pier Wall for Kirk Kozlowski and Mary Lacerte, Application Number: 211316, Santa Cruz County, California, APN: 043-081-13

The County staff, including Carolyn Burke PE and Matt Machado PE, have given the opinion that the proposed pin piers are a "shoreline protection structure". Ms. Burke and Mr. Machado have refused to substantiate, respond to specific questions, and prepare a stamped and signed opinion as professional engineers regarding their opinion

As a licensed Architect with over thirty years of experience, and in particular coastal development projects, my professional opinion is that the proposed pin piers are not a "shoreline protection structure" based on the following:

1. Engineering: If the shoreline were to reach the pin piers would not protect it. Wave action at the base of the bluff would likely erode the base (if the shoreline were to reach the base) of the bluff and the pin piers would eventually fail and at no time will the pin piers provide any protection of the shoreline. I.e. the pin piers are not engineered to be a "shoreline protection structure" and are not a "shoreline protection".
2. Chapter 16.10 Geologic Hazards definition of "Shoreline Protection Structure" does not change the definition of "shoreline", "protection", or "structure". The definition clarifies that a structure located at the shoreline, and protects the shoreline, and is subject to coastal processes (please note there is no County definition of "coastal processes") may be made of any material. The definition does in no way redefine what a shoreline is or what a protection structure is.
3. Historic application of Chapter 16.10 Geologic Hazards has been consistent with number 2 and 1 above.

LCP

Though as noted above, the pin pier wall is not a "shoreline protection structure", it is important to note that per policy 6.2.16 "structural shoreline protection" measures are allowed when protecting "existing structures from a significant threat". The home and property below the proposed pin pier wall are subject to a significant threat and the closest the mitigation measure may be constructed to the development below, while still on the project applicant's property, is where the pin piers are proposed.

728 NORTH
BRANFORTE
SANTA CRUZ
CA 95062
877-877-3797

LATE MAIL 1

consistent with the LCP. Interestingly the LCP notes a difference between shoreline and coastal bluff protection.

Policy 6.2.11 states that development be "designed to avoid or minimize hazards" and Programs (a) states that "property owners and public agencies to control landslide conditions which threaten structures or roads".

County staff's claim that the proposed pin pier wall is conflicts with the LCP is because it is new development. The pin pier wall is not mitigating a hazard to "new development" but is mitigating hazards for "existing development". LCP 6.2.15 allows "new development" that does not rely on mitigation of the potential hazard.

I.E. there is no new development that relies on mitigation, the new development IS a hazard mitigation measure for existing development as consistent with the LCP. County staff opinion represents a fundamental misunderstanding of the applicable policies.

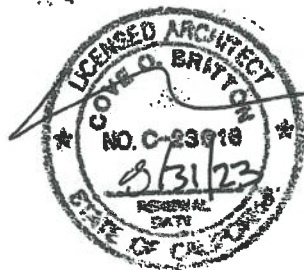
CALIFORNIA BUILDING CODE, CALIFORNIA BUILDING STANDARDS LAW, AND THE CALIFORNIA ENGINEERS PRACTISE ACT.

County ordinances and policies, and the Coastal Act, do not supersede the requirements of the California Building Code, California Building Standards Law, and to date no qualified County professional staff professional have rendered a professional opinion, as required under the California Engineers Practice Act, regarding County staff recommendation of denial of the proposed pin pier wall.

CONCLUSION

The proposed pin piers comply with the requirements of the California Building Code, California Building Standards Law, and is consistent with the Coastal Act and applicable County code, ordinance, and policy.

Sincerely,



LATE MAIL 1

RI Engineering, Inc.



Civil Engineering

303 Potrero Street
Suite 42-202
Santa Cruz, CA 95060
831-125-3901
www.riengineering.com

November 17, 2022

County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Proposed Pin Pier Wall for Kirk Kozlowski and Mary Lecerte, Application Number: 211316,
Santa Cruz County, California, APN: 043-081-13.

Our office has read the staff report for the Zoning Administrator hearing by Evan Ditmars, County Planner and would like to comment on the intent and purpose of the of the pin pier wall. We have the following comments regarding the staff report:

1. The pin pier wall was determined to be the most feasible alternative by the project geotechnical engineer, the project geologist and our office to address the issue of potential slope failure from the Kozlowski's property onto the properties below them for the following reasons.
 - a. It is an effective solution that can be constructed with minimal disruption to the bluff top and the surrounding properties.
 - b. It has been used before at similar locations within one mile of this property with County approval.
 - c. The pin pier wall will be constructed entirely on the Kozlowski's property and would not impact the neighboring down- hill property owner who has not been identified.
2. The location of the pin pier wall adjacent to the oceanward property line and at the top of the bluff was chosen to provide the maximum protection to down-hill property owners from slope failures originating on the Kozlowski's property. Siting the pin pier wall adjacent to the residence would not provide this protection.
3. The pin pier wall has not been designed or intended to provide shoreline protection. The bottom of the pin piers will be almost 60 feet above the mean high tide elevation of Monterey Bay. Were coastal erosion processes to progress to the location of the wall it would fail due to the undermining of the bluff below it and would provide no protection to the Kozlowski's property.

Please find Exhibit A showing a cross section of the pin pier wall in relation to the Monterey Bay attached. Thank you.

Sincerely,
RI Engineering Inc.

Richard Irish, PE
RCE # 45820



LATE MAIL 1

Evan Ditmars

From: Cove Britton <cove@matsonbritton.com>
Sent: Monday, November 14, 2022 5:18 PM
To: Alan Kropp
Cc: Evan Ditmars; Matt Machado; Carolyn Burke; Justin Graham; Richard J. Irish; Greg Sanders; Jeff Nolan; Rick Parks; kkozowski@scisj.net; mary@creativejuicesdesign.net; lacerte@me.com; Erik Zinn; Elizabeth Mitchell; Jocelyn Drake; Doug Schwarm
Subject: Re: 043-081-13
Attachments: CIVIL EXHIBIT-DETs.pdf

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi Evan-

Please see the attached.

My understanding is current County staff opinion is that the proposed pin piers are a Shoreline Protection Structure. However to date no licensed County professional has provided such an opinion in writing.

Respectfully I request the appropriate County licensed staff to respond to the questions below (in their stamped and signed opinion) based on code/ordinance, engineering, and past practice. I believe this is required under state legislation.

If County staff disagrees, please provide the basis.

At some point the answers will be required by court action for County staff to provide. As a professional I believe it is the responsibility of public servants and the private sector professionals to address these issues prior to court action.

1. Based on the attached; where is the shore line?
2. What development (per County code) between the property line for 043-081-13 is a shoreline protection structure and what is the basis for that determination in regards to code/ordinance, engineering, and past practice?

Specific and professional answers to the above questions would be helpful for the whole community.

Please include the attachment and this email as part of the record for this application.

On Mon, Nov 14, 2022 at 4:58 PM Cove Britton <cove@matsonbritton.com> wrote:
Thanks Alan.-

We are fine for the moment but yet another one!

Cheers!

On Mon, Nov 14, 2022 at 10:55 AM Alan Kropp <akropp@akropp.com> wrote:

Cove-

I am in meeting the morning of 11/18 when you meet with the County, but I assume you did not need my participation for this particular meeting anyhow! Let me know if you need anything from me at this point!

Alan Kropp, G.E.
President, Principal Engineer

Alan Kropp & Associates

2140 Shattuck Avenue, Suite 910

Berkeley, CA 94704

(510) 841-5095 (office)
(510) 841-8357 (fax)

www.akropp.com

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From: Cove Britton <cove@matsonbritton.com>

Sent: Friday, November 11, 2022 6:39 PM

To: Evan Ditmars <Evan.Ditmars@santacruzcounty.us>

Cc: Matt Machado <matt.machado@santacruzcounty.us>; Carolyn Burke <Carolyn.Burke@santacruzcounty.us>; Justin Graham <Justin.Graham@santacruzcounty.us>; Richard J. Irish <richard@riengineering.com>; Greg Sanders <gsanders@nossaman.com>; Jeff Nolan <Jeff.Nolan@santacruzcounty.us>; Rick Parks <Rick.Parks@santacruzcounty.us>; kkozlowski@scisj.net; mary@creativejuicesdesign.net; lacerte@me.com; Erik Zinn <erik@pacengineering.net>; Elizabeth Mitchell <elizabeth@pacengineering.net>; Jocelyn Drake <jocelyn.drake@santacruzcounty.us>; Doug Schwarm <dschwarm@atlasgeotechnical.com>; Alan Kropp <akropp@akropp.com>

Subject: Re: 043-081-13

Hi all-

Forgot to attach the staff report!

Cheers!

On Fri, Nov 11, 2022 at 5:56 PM Cove Britton <cove@matsonbritton.com> wrote:

Hi Evan-

I reviewed the staff report for this project. Please provide all past correspondence regarding this submission for the record and staff report including REV211508. Please also include all documents for 043-095-14 as part of the record. We will also be asking for additional County documents to be part of the record. But initially the above is sufficient.

Cheers!

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Cove Britton

Matson Britton Architects

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Cove Britton
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LATE MAIL 2

EX-1

Map Title

Civil

DATE

PROJECT NO.

20-074-1

SECTION

AS SHOWN

DATE

NOVEMBER 2022

PROJECT NO.

20-074-1

SECTION

AS SHOWN

DATE

NOVEMBER 2022

PROJECT NO.

20-074-1

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DATE

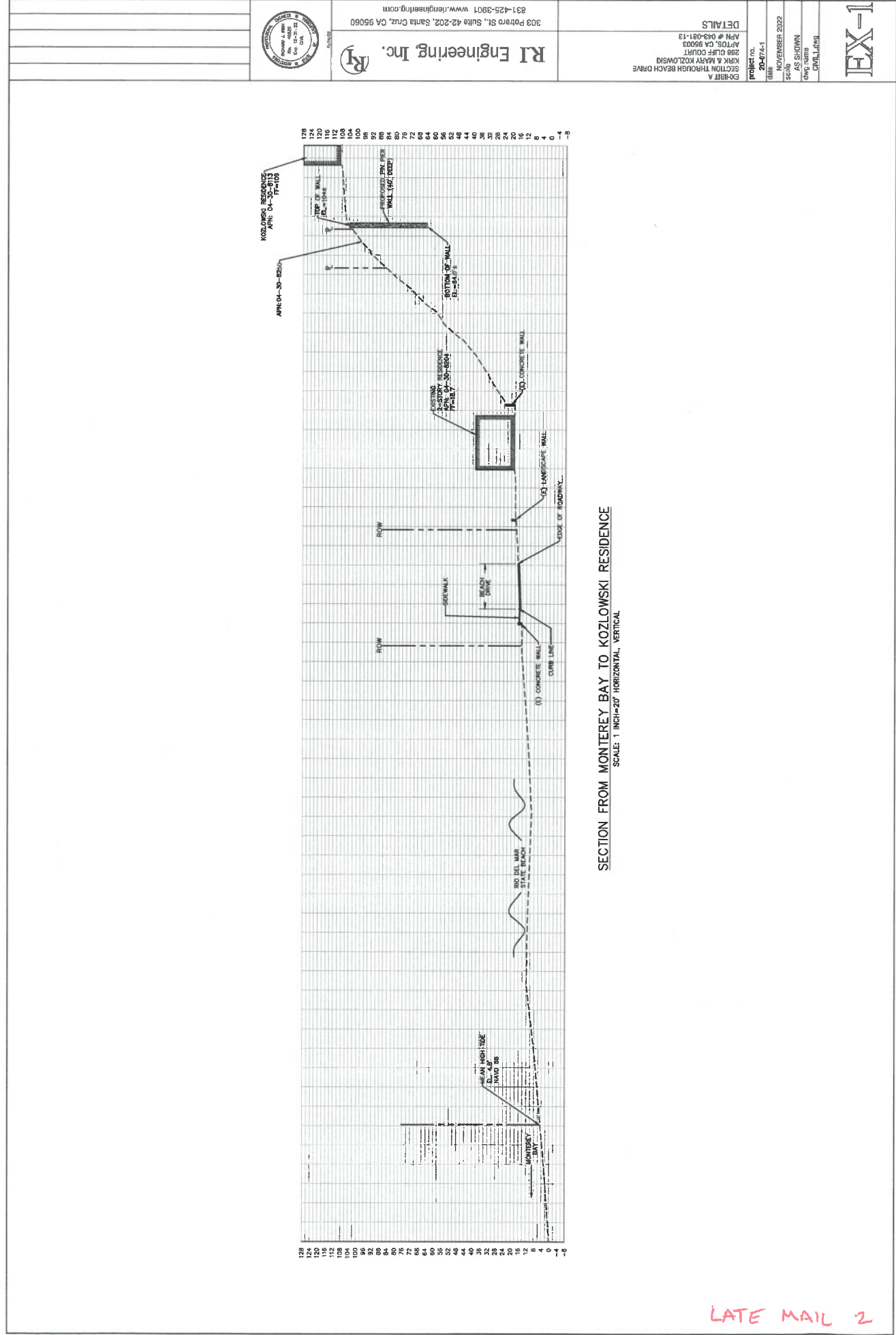
NOVEMBER 2022

PROJECT NO.

20-074-1

SECTION

AS SHOWN



SECTION FROM MONTEREY BAY TO KOZLOWSKI RESIDENCE
SCALE 1 INCH=20' HORIZONTAL VERTICAL

RI Engineering, Inc.
303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
831-425-3901 www.riengineering.com



Evan Ditmars

From: Cove Britton <cove@matsonbritton.com>
Sent: Thursday, November 17, 2022 4:37 PM
To: Evan Ditmars; Jocelyn Drake
Subject: 043-081-13
Attachments: kozGeotltrZA.pdf

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi Evan and Jocelyn-

Please letter from the project Geotechnical Engineer.

Please include for the record for tomorrow's hearing.

--

Cove Britton
Matson Britton Architects

O. (831) 425-0544



Pacific Crest

ENGINEERING INC

GEOTECHNICAL | ENVIRONMENTAL | CHEMICAL | MATERIAL TESTING | SPECIAL INSPECTIONS

November 16, 2022

Project No. 2008.1-SZ70-B45

Kirk and Mary Kozlowski
139 Vineyard Court
Los Gatos, CA 95032

Subject: **Response To County Staff Report**
 266 Cliff Court
 Aptos, California
 A.P.N. 043-081-13

Dear Mr. and Mrs. Kozlowski,

As requested, our office has reviewed portions of the Santa Cruz County staff report prepared for your upcoming Zoning Administrator hearing. Specifically we have reviewed language concerning designation of the proposed pin pile wall as a "shoreline protection structure" and offer the following comments in that regard.

The steep bluff that currently abuts your property is subject to on-going landsliding and erosion processes, primarily in response to large rainfall events following high antecedent seasonal rainfall. Slope failures can also result from seismic activity and/or uncontrolled surface runoff. The bluff is not subject in any way to coastal influences or processes that occur at the shoreline, such as wave and/or tidal action.

Our 2020 geotechnical investigation study and the subsequent development of geotechnical design recommendations were intended to be used in the design of an engineered solution with the sole purpose of confining, as much as possible, the bluff materials on the Kozlowski property, in order to keep them from impacting downslope residential properties.

The results of our investigation led us to conclude that constructing a pin-pile soil retention system would be an effective and reasonable measure for stabilizing the bluff materials on the Kozlowski property and restrain them from impacting the downslope properties on Beach Drive.

Our geotechnical recommendations were never intended to be applied to the design of a shoreline protection structure. The proposed pin pile wall will not provide any protection to a shoreline, or for that matter the portion of bluff beyond the Kozlowski property limits.

The coastal bluff below your property is not exposed to the coastal process of wave and/or tidal action occurring at the shoreline. In fact, should the present shoreline ever advance far enough landward to reach the base of the coastal bluff, the proposed pin pile wall system would most likely fail as it becomes undermined by wave scour and subsequent bluff erosion. We note that that this scenario would first need to inundate Río Del Mar Beach, Beach Drive, and the existing houses thereon.

In summary, it is our professional opinion that the proposed pin-pile soil retention system will not function in any capacity as a shoreline protection structure and should not be considered as such.

Sincerely,

PACIFIC CREST ENGINEERING INC.



Elizabeth M. Mitchell, GE
Associate Geotechnical Engineer
GE 2718, Expires 12/31/22

Copies: 1 to Client

